



Entered on Docket  
November 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Second Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The Hesperia II Loan**

Hearing Date: September 30, 2011  
Hearing Time: 9:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment In The Hesperia II Loan." (Hesperia II Loan") [DE 8884] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the

1 Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the  
2 borrower or from the collateral securing the Hesperia II Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8884] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are 20% allowed and 80%  
6 disallowed to the extent those claims are based upon an investment in the Hesperia II  
7 Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**  
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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19 *Attorneys for USACM Liquidating Trust*  
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1 LOCAL RULE 9021 CERTIFICATION

2 In accordance with LR 9021, counsel submitting this document certifies that the order  
3 accurately reflects the court's ruling and that (check one):

4 \_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

5 XXX No party appeared at the hearing or filed an objection to the motion.

6 \_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who  
7 appeared at the hearing, and any unrepresented parties who appeared  
8 at the hearing, and each has approved or disapproved the order, or  
9 failed to respond, as indicated below [list each party and whether the  
party has approved, disapproved, or failed to respond to the  
document]:

10 Counsel appearing: \_\_\_\_\_

11 \_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a  
12 copy of this order with the motion pursuant to LR 9014(g), and that  
13 no party has objected to the form or content of the order

14 U.S. Trustee: _____	
15 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
16 <input checked="" type="checkbox"/> waived the right to review the 17 order and/or	<input type="checkbox"/> failed to respond to the document
18 Other Party: _____	
19 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> d isapproved the form of this order
20 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

21 Submitted by:  
22 LEWIS AND ROCA LLP

23 By: /s/ John Hinderaker. (AZ #018024)  
24 Attorneys for USACM Liquidating Trust  
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26 # # #

## USACM Trust

## Hesperia II Loan

## Multiple Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Related to an Investment In the Hesperia II (Southern California) Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-02431	1/11/2007	Brines Revocable Family Trust Dtd 11/5/94, Michael & Cindy	Michael R & Cindy G Brines Ttees 4935 El Sereno Ave La Crescenta, CA 91214-3018	771,119.58	50,000.00	40,000.00	10,000.00
10725-02060	1/11/2007	Charles R & Jean Maraden Fam Tr Dtd 12/16/03	Charles & Jean Maraden Ttees 12585 Creek Crest Dr Reno, NV 89511	202,622.46	50,000.00	40,000.00	10,000.00
10725-01716-2	1/10/2007	Donna M Cangelosi Family Trust	C/O Donna M Cangelosi Trustee 5860 Lausanne Dr Reno, NV 89511-5034	1,537,121.72	40,000.00	32,000.00	8,000.00
10725-00898	11/1/2006	Fossati, David	C/O Martin P Meyers 1000 SW Broadway Ste 1400 Portland, OR 97205	286,523.47	42,000.00	33,600.00	8,400.00
10725-00893	10/31/2006	Joyce E Smith Trust Dated 11/3/99	C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	853,678.82	33,561.44	26,849.15	6,712.29
10725-02178	1/12/2007	Marshal Brecht Trust Dtd 2/5/86	Marshall J & Janet L Brecht Trustees 640 Colonial Cir Fullerton, CA 92835	3,418,022.00	50,000.00	40,000.00	10,000.00
10725-00854	11/13/2006	Motto, George J	Joe Laxague Esq Cane Clark LLP 3272 E Warm Springs Las Vegas, NV 89120	550,000.00	50,000.00	40,000.00	10,000.00
10725-00245	9/26/2006	Robert H & Lynn R Perlman Trust Dated 9/17/92	C/O Robert H & Lynn R Perlman Ttees 2877 Paradise Rd Unit 3501 Las Vegas, NV 89109-5278	1,187,000.00	50,000.00	40,000.00	10,000.00
10725-02149	1/12/2007	Schnitzer Living Trust Dtd 10/24/91	Arthur F & Linn S Schnitzer Ttees 20155 Ne 38Th Ct, #1604 Aventura, FL 33180	3,549,806.80	100,000.00	80,000.00	20,000.00
10725-00548	10/10/2006	Shuler, Michael	3095 Jenny Drive Prescott, AZ 86305-4189	239,932.00	89,699.00	71,759.20	17,939.80

EXHIBIT A

2434936.1